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OPEN-ENDED WORKING GROUP ON THE REVIEW
OF ARRANGEMENTS FOR CONSULTATIONS WITH
NON-GOVERNMENTAL ORGANIZATIONS
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Item 2 of the provisional agenda*

GENERAL REVIEW OF ARRANGEMENTS FOR CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Statement submitted by the International Service for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council, category II

The Secretary-General has received the following statement, which is being circulated in accordance with paragraph 10 of the annex to Economic and Social Council resolution 1993/80.

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1. The United Nations stands to benefit from the wealth of cultural and political perspectives of the vigorous civil society emerging in newly democratizing societies, whose voices are seldom heard in New York and Geneva. Such expanded participation is all the more important now that civil society is opening up in many regions where opportunities for non-governmental organizations' action were previously restricted.

2. The purpose of the non-governmental organizations' participation in meetings of United Nations bodies is to provide United Nations bodies with expertise and experience that enhance the quality of its deliberations, while expressing the concerns and aspirations of constituencies that might otherwise not be heard.

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* E/AC.70/1995/1.

3. In the view of the International Service for Human Rights, a clear distinction needs to be made between non-governmental organizations' participation in occasional United Nations conferences and in the normal meetings of United Nations bodies and committees. The attendance of great numbers of non-governmental organizations at international conferences was only made possible by special voluntary funds not normally available to them, particularly to national non-governmental organizations from the South. In fact, participation by non-governmental organizations at regular meetings of United Nations bodies has largely remained steady in the last five years, and has even decreased in some instances. For example, at the Commission on Human Rights, non-governmental organizations' attendance has dropped from 169 organizations in 1993 to 158 in 1994 and 135 in 1995. Oral statements from non-governmental organizations at the Commission declined last year (337 in 1994) relative to the two previous years (414 in 1993 and 364 in 1992).

4. Experience has shown that representativeness should not be the only criterion for granting consultative status. In fact, there is not necessarily a direct relationship between the representativeness (based on size) of a non-governmental organization and its ability to provide the needed expertise and knowledge.

5. Consultation with the Member State concerned, as required by Article 71 of the Charter of the United Nations, should not constitute a process of government authorization or clearance. The practice used in some international conferences should be followed in granting consultative status, whereby the Government of the country where the applicant non-governmental organization claims to be located is informed and its views, if any, are shared with the applicant non-governmental organization in order to assist the Secretariat in clarifying the situation. The information provided by the Government and the non-governmental organizations' response should both be considered by the Committee on Non-Governmental Organizations in consultative status with the Economic and Social Council in making its final decision on the approved criteria.

6. Another issue of concern in the current draft resolution (see E/AC.70/1995/CRP.1) is the misunderstanding regarding the nature of the affiliation of national non-governmental organizations to regional and international non-governmental organizations. International organizations with branches or field offices in several countries may, as an internal matter, preclude these branches and offices from seeking consultative status independently. On the other hand, many national and regional non-governmental organizations, especially those coming from countries with economies in transition and developing countries, whose work is most relevant to the United Nations, are affiliated with international organizations or federations but not as branches or field offices. These non-governmental organizations formulate and implement their own policies and operate entirely independently as indigenous and autonomous organizations. It is, therefore, both inappropriate and counter-productive for the United Nations to attempt to regulate such internal matters or to exclude in principle national organizations affiliated to an international or regional non-governmental organization.

7. Practical arrangements can be made that will reduce the burden related to the increased number of non-governmental organizations with consultative status to manageable proportions, although we believe that only a limited number of organizations newly granted status are likely to make written submissions, so that the financial and practical implications would not be detrimental to the smooth functioning of the United Nations. However, if the financial resources of the United Nations cannot absorb an increase in translation and reproduction services, the non-governmental organizations concerned could exceptionally undertake the translation themselves and accept that their documents be distributed by the United Nations only in the languages in which they are submitted. In many cases, national non-governmental organizations admitted to consultative status who are unable to send representatives to United Nations meetings will rely on submitting documents as their principal form of interaction with United Nations bodies.

8. It is generally agreed among non-governmental organizations that one of the most effective ways of reducing the cost of non-governmental organizations' participation in United Nations meetings and procedures is for the organizations to coordinate joint oral and written submissions. While such coordination is in the interest of the work of non-governmental organizations, it should remain their responsibility and should not be imposed by the United Nations.

9. The International Service for Human Rights proposes the following changes to the draft resolution contained in document E/AC.70/1995/CRP.1:

(a) Paragraph 9, line 3, delete the phrase "which are not affiliated to an international organization already in status,";

(b) Paragraph 9, add <u>in fine</u>:

> "Such consultations shall allow the Member State concerned to be informed that a non-governmental organization claiming to be established on its territory is applying for consultative status and communicate its views, if any, to the Secretariat. If these views might affect the decision on admission, they shall be communicated to the non-governmental organization concerned, which shall have the opportunity to respond to the views of the Member State. The views of both the Member State and the applicant non-governmental organization shall be taken into consideration in deciding whether or not the applicant meets the criteria for admission. Negative views by the Member State concerned shall not <u>ipso facto</u> preclude admission";

(c) Paragraph 11, revise to read "The organization shall be of recognized standing within the particular field of its competence or of a representative character";

(d) Paragraph 15, revise to read "National organizations that are affiliated to an international or regional non-governmental organization covering the same subjects may be admitted unless the international or regional non-governmental organization concerned objects on the basis of its statutory relation with the affiliate seeking admission";

(e) Paragraph 16, delete entire paragraph;

(f) Paragraph 17, add in fine "Consultative arrangements with a specialized agency shall not preclude consultative status with the Council";

(g) Paragraph 23, last line, delete "in all areas and regions of the world";

(h) Paragraph 25 (b), line 7, delete "internationally and regionally";

(i) Paragraph 26, delete entire paragraph;

(j) Paragraph 27, line 1, delete "in particular";

(k) Paragraph 31, add in fine "If exceptionally the Secretary-General lacks the resources to circulate statements by non-governmental organizations in all the official languages, their written statements shall be circulated in the languages in which they are submitted";

(l) Paragraph 32 (e), line 3, add, after "special consultative status," the words "or on the Roster";

(m) Paragraph 32 (f), delete entire subparagraph;

(n) Paragraph 33 (a), revise as follows:

> "The Council or any of its subsidiary bodies may authorize non-governmental organizations in general or special consultative status or on the Roster to be heard. Where the item under consideration concerns a matter in which non-governmental organizations have been particularly active or in which they possess recognized expertise, the body in question should allow such non-governmental organizations to make brief statements during the consideration of such items";

(o) Paragraph 37, add in fine "If exceptionally the Secretary-General lacks the resources to circulate statements by non-governmental organizations in all the official languages, their written statements shall be circulated in the languages in which they are submitted;

(p) Paragraph 38 (f), replace the word "may" with the words "shall normally";

(q) Paragraph 39, revise to read as follows:

> "The commission or other subsidiary organs shall normally consult with organizations in general or special consultative status or on the Roster either directly or through a committee or committees established for the purpose. In all cases, such consultations shall be arranged at the request of the organization. Where the item under consideration concerns a matter in which non-governmental organizations have been particularly active or in which they possess

recognized expertise, the body in question should allow such non-governmental organizations to make brief statements during the consideration of such items";

(r) Paragraph 40, replace the words "paragraph 30" with the words "paragraph 40";

(s) Paragraph 42, replace the phrase "in consultative status" with the phrase "in general or special consultative status or on the Roster";

(t) Paragraph 52, revise to read as follows:

"Relevant non-governmental organizations may make written presentations in the official languages of the United Nations as they deem appropriate in the conference and its preparatory process. Those written presentations shall be issued as official documents in accordance with United Nations rules or procedure";

(u) Paragraph 58, add, after the first sentence "In addition, two seats shall be reserved for non-voting members from non-governmental organizations with consultative status to be designated in accordance with a procedure to be established by the non-governmental organizations with consultative status";

(v) Paragraph 59 (d), after the words "special consultative status", add the words "and on the Roster";

(w) Paragraph 59 (e), after the words "special consultative status", add the words "and on the Roster", and change "25 (a)" to "33 (a)".